

PS 1350.02 ACCEPTANCE OF DONATIONS



Change Notice

DIRECTIVE AFFECTED: 1350.02
CHANGE NOTICE NUMBER: 1350.02
DATE: 6/29/98

1. PURPOSE AND SCOPE. To highlight the most significant changes in the Program Statement concerning **Acceptance of Donations**.
2. SUMMARY OF CHANGES. Gift acceptance authority for all components of the Department of Justice is now vested in the Assistant Attorney General for Administration. This Program Statement outlines the procedures Bureau staff will follow when considering acceptance of donated items.
3. ACTION. File this Change Notice in front of the Program Statement on **Donations, Acceptance of**.

/s/
Kathleen Hawk Sawyer
Director



Program Statement

OPI: OGC
NUMBER: 1350.02
DATE: 6/29/98
SUBJECT: Donations, Acceptance
of

1. PURPOSE AND SCOPE. To prescribe procedures for accepting donations for the Bureau. Pursuant to Department of Justice Order 2400.02 (9/2/97) gift acceptance authority for all components of the Department of Justice is now vested in the Assistant Attorney General for Administration.

The following guidelines establish procedures to be followed to obtain approval of any proposed donation to the Federal Bureau of Prisons, Federal Prison Industries, or any regional office, or Bureau institution.

"Donations" does not include volunteer services, or materials provided by other federal agencies.

No donations shall be accepted by any Bureau staff member or facility except in accordance with these procedures.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Donations made to the Bureau will be accepted in accordance with Department of Justice Order 2400.02 and applicable statutes and regulations.

b. Donations will be accepted at the appropriate management level of the Department of Justice, and submitted for such acceptance through established delegated authority.

3. DIRECTIVES REFERENCED

PS 5266.08 Incoming Publications (8/20/97)
PS 5360.07 Religious Beliefs and Practices (8/25/97)

DOJ Order 2400.02 (9/2/97)

4. STANDARDS REFERENCED. None.

5. EXEMPTION FOR CERTAIN RELIGIOUS OR EDUCATIONAL DONATIONS

a. The Assistant Attorney General for Administration has delegated to the Director the authority to accept donations of religious or educational items from religious or educational groups or entities, provided such donations are valued at \$250 or less. This authority is redelegated to Wardens.

This authority does not extend to accepting food items from religious or educational groups or entities.

b. The terms "religious groups or entities" and "educational groups or entities" are to be given their normal meaning.

Traditional commercial enterprises are not considered religious or educational groups or entities under this usage. For example, a videotape distributed by a telephone or computer company that might be considered educational in nature, shall not be accepted. Such proposed donations must be submitted for approval pursuant to the procedures set forth in Section 7.

c. In assessing the value of proposed religious or educational donations, Wardens should first inquire of the donor organization the value placed on the goods. If it appears reasonable, the Warden should accept that assessment. If the value seems unreasonable, the Warden should enlist assistance in determining the value of the goods.

d. All donations accepted at the institution pursuant to this paragraph must be reported quarterly, to the Bureau's Ethics Officer. The reports shall be transmitted via BOPNet GroupWise (see Attachment A).

6. EXEMPTION FOR CERTAIN DONATIONS BY INMATES

a. The Assistant Attorney General for Administration has delegated to the Director the authority to accept donations from inmates being released from Federal custody or transferring from institution to institution provided such donations are valued at

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\$250 or less.

This authority is redelegated to the Wardens. **Donations from inmates shall not be accepted under any other circumstances.**

b. In assessing the value of proposed donations from inmates, Wardens may consult with institutional or regional legal staff, who shall use the standard depreciation tables contained in appropriate DOJ Orders.

c. All donations accepted at the institution pursuant to this paragraph must be reported quarterly to the Bureau's Ethics Officer via BOPNet GroupWise.

7. PROCEDURES

a. Other than as provided in Sections 5 and 6, the Chief Executive Officer (CEO) shall submit all requests to accept donations in writing to the Bureau's Ethics Officer.

Requests to accept a donation valued at less than \$250 may be submitted by the CEO in writing directly to the Ethics Officer.

Requests to accept a donation in excess of \$250 must have the written approval of the Regional Director, or Assistant Director, as appropriate, before being submitted to the Ethics Officer.

All requests must contain:

- (1) A description of the donation, identification of the donor (or donor organization), and an estimate as to the value of the donation;
- (2) Whether the donation is appropriate for Bureau use;
- (3) Whether the donor places any restrictions on the Bureau's acceptance or use of the donation, and the nature of any such restrictions;
- (4) Whether any Bureau employee solicited the donation, or encouraged its solicitation; and
- (5) Whether acceptance of the donation poses any concerns from conflict of interest or other government ethics perspectives, including whether acceptance of the donation would create the appearance of impropriety.

b. The Ethics Officer shall review all requests to accept donations to ensure that all necessary information is included with the request and for potential conflicts of interest.

The Ethics Officer shall submit all requests to the General Counsel, who is authorized to act for the Director in reviewing proposed donations, with an analysis of any potential conflicts of interest.

If the General Counsel determines that there is a conflict of interest, or that the donation is otherwise not appropriate for acceptance by the Bureau, the CEO shall be notified in writing. If it is determined that the donation is appropriate for acceptance by the Bureau, the request shall be forwarded to the Assistant Attorney General for Administration (or designee) for final review and decision.

c. All proposed donations of money, land, or buildings shall be referred by the Ethics Officer to the Assistant Director for Administration and the Associate General Counsel for Commercial Law, before the proposal is submitted. If the General Counsel determines the proposed donation should not be accepted, the CEO shall be notified in writing. If it is determined that the proposed donation is appropriate for acceptance by the Bureau, the request shall be forwarded to the Assistant Attorney General for Administration for final review and decision. The decision of the Assistant Attorney General for Administration shall be communicated to the CEO, Regional Director, or Assistant Director.

8. USE OF DONATED GOODS

a. In deciding whether to accept a proposed donation pursuant to Sections 5 or 6, or to seek authority to accept a donation of printed material, audio tapes, or video tapes, the Warden must determine if the material is consistent with the intent of Bureau policy. For example, printed material shall be suitable for acceptance under the provisions of the Program Statement on Incoming Publications.

b. If approved for acceptance by the Assistant Attorney General for Administration, greeting cards donated by greeting card companies shall be made available to all inmates.

c. Offers of donations of religious materials are often made to the institution for use by the Religious Services Department or for distribution to the inmate population. The institution chaplain shall advise the Warden of the suitability of accepting donations of religious audio or video tapes, books, newspapers,

periodicals, and magazines offered for donation by religious organizations. All religious materials accepted shall be made available to all inmates.

d. Audio tapes and video tapes which are accepted for donation shall be for use on Bureau equipment only.

Printed material accepted for donation not of a religious nature shall be made available to all inmates only through appropriate institution programs such as in the library or education department.

/s/

Kathleen Hawk Sawyer
Director